REMARKS

Applicant gratefully acknowledges the courtesy of the Examiner in granting an interview to Applicant's representative David Zviel, registration number 41,392, on 13 December 2005. Examiner Syed Zia also attended the interview. In the interview, the substance of the invention was discussed, and independent claims 84 and 153 were discussed in further detail. Mr. Zviel pointed out that a control center, in controlling a permanent key, is not a smart card. Regarding claim 84, a proposed amendment to the claim was discussed, whereby an ECM is embedded in the content. The proposed amendment to claim 84 was drafted to overcome both the rejection of claim 84 under 35 USC 112 second paragraph, and the rejection of claim 84 under 35 USC 102(b).

Applicant has carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

There is an error in the Official Action with respect to the priority of the present application in that the parent PCT application claims the benefit**, but it is not a CIP**, of the parent provisional application 60/174,530 filed January 5, 2000 and provisional application 60/195,032 filed April 6, 2000. The filing receipt also contains the same error.

The specification has been amended to identify the parent applications. A Third Request for Corrected Filing Receipt is also filed concurrently herewith. It is requested that the correct priority be acknowledged in the next Action.

Prior to the present amendment the application comprised outstanding claims 84 - 122, 124 - 140, and 153 - 165. New claims 166 - 186 have been added.

The Examiner requested that Figs. 1 and 2 should be designated by a legend such as "Prior Art", in accordance with MPEP 608.02. As such,

Applicant hereby respectfully submits the enclosed replacement drawings with the present response.

Claim 91 stands objected to under 37 CFR 1.75 as being substantially identical to claim 90. Claim 91 has, therefore, been cancelled.

Claims 84 - 104, 122, and 136 - 138 stand rejected under the second paragraph of 35 USC 112.

Claim 84 originally recited "an end user device", "the end user device", "a first end user device", and "a second end user device". The Examiner asserted that an "ordinary person skilled in the art would be unable to determine whether the first and second end user devices were meant to be different than 'the end user device'". Claim 84 has, therefore, been amended to consistently recite a "first end user device" and a "second end user device". Support for the amendment of claim 84 is adduced, inter-alia, on pages 11 and 12 of the specification. Amended Claim 84 is therefore deemed allowable.

The Examiner rejected claims 85 - 90, and 92 - 101 under 35 U.S.C. 112 as depending from rejected claim 84.

In light of the amendment of claim 84, discussed above, claims 85 - 90, 92 - 101, and 103 are deemed allowable.

The Examiner rejected claims 102 - 103, and 136 - 137 which recited "said period", as lacking antecedent basis for "said period". Claims 102 - 103 have been amended to depend from claim 101, thereby providing antecedent basis for "said period". Claims 136 - 137 have been amended to depend from claim 135, thereby providing antecedent basis for "said period".

Claims 102 - 103 and 136 -137 are therefore deemed allowable.

The Examiner rejected claim 122 under 35 U.S.C. 112 second paragraph, as claim 122 recites "said slots". The reference to said slots is lacking sufficient antecedent basis. Claim 122 has accordingly been amended to resolve this issue.

The amendment to claim 122 is supported, inter-alia, by claim 120.

Claim 122 is therefore deemed allowable.

The Examiner rejected claim 138 under 35 U.S.C. 112 second paragraph, as claim 138 recites "said groups". The reference to said groups is

lacking sufficient antecedent basis. Claim 138 has accordingly been amended to resolve this issue.

The amendment to claim 138 is supported, inter-alia, by claim 126.

Claim 138 is therefore deemed allowable.

Claims 84 - 88, 90 - 108, 110 - 122, 124 - 140, 155 - 165 stand rejected under 35 USC 102(e) as anticipated by Saito et al. (US Patent No. 6,069,952), hereinafter referred to as Saito.

Saito describes a data copyright management system comprising a database for storing original data, a key control center for managing crypt keys, copyright management center for managing data copyrights, and a communication network for connecting these sections.

Claim 84 has been amended to recite the presence of an embedded original entitlement control message (ECM) comprised in the transmitted scrambled digital content. There is no indication in Saito that transmitted content comprises control data. The amendment is supported, inter-alia, on page 20 of the PCT application.

Claim 84 is therefore deemed allowable.

New claims 166 - 170 have been added in order to expand on the role of the ECM recited in amended claim 84. New claims 166 - 170 are supported, inter-alia, on pages 20 and 21 - 22 of the PCT application.

New claims 166 - 170 all depend, either directly or indirectly, from claim 84 and recite additional patentable material.

New claims 166 - 170 are therefore deemed allowable.

Claims 85 - 88, 90 and 92 - 104 all depend, either directly or indirectly, from claim 84.

Claims 85 - 88, 90 and 92 - 104 are therefore deemed allowable, with reference to the above discussion of the allowability of claim 84.

Claim 105 has been amended to recite the presence of an embedded original entitlement control message (ECM) comprised in the transmitted scrambled digital content. There is no indication in Saito that transmitted content comprises control data. The amendment is supported, inter-alia, on page 20 of the PCT application.

Claim 105 is therefore deemed allowable.

Claims 106 - 108, 110 - 112 depend, either directly or indirectly, from claim 105.

Claims 106 - 108, 110 - 112 are therefore deemed allowable, with reference to the above discussion of the allowability of claim 105.

New claims 171 - 175 have been added in order to expand on the role of the ECM recited in amended claim 105. New claims 171 - 175 are supported, inter-alia, on pages 20 and 21 - 22 of the PCT application.

New claims 171 - 175 all depend, either directly or indirectly, from claim 105 and recite additional patentable material.

New claims 171 - 175 are therefore deemed allowable.

Regarding the rejection of claim 113, the Examiner asserts that "(c) a permission message generator (Saito Fig. 1 Element 10) for generating a permission message to said end user device, such that said end user device unscrambles said scrambled digital content only after said permission message is at least received by said end user device, said permission message being specific for said end user device (Saito Col. 6 Lines 39 - 56)."

Saito (Col. 6 Lines 49 - 56) says: "Copyright management center 10 confirms that the primary user has received a regrant of the second secret-key Ks2 for secondary utilization of the data, in accordance with the presented primary user information Iu1. Copyright management center 10, then, transfers the second secret-key Ks2 serving as a decryption key and the third secret-key Ks3 serving as an encryption/decryption key to secondary user terminal 5 via communication network 8."

To summarize Saito, secondary user terminal 5 is able to decrypt the data using the same second secret-key Ks2 as the primary user uses for secondary use of the data.

The present invention, by contrast, as claimed in claim 113, and as quoted above, requires that "said permission message being specific for said end user device". Namely, the first end user device and the second end user device cannot share the same permission message.

Claim 113 is therefore deemed allowable.

Claims 114 - 122 all depend, either directly or indirectly from claim 113, and recite additional patentable matter.

Claims 114 - 122 are therefore deemed allowable with reference to the above discussion of the allowability of claim 113.

The Examiner asserts that all of the elements found in claim 124 are found in Saito. While Applicant does not necessarily agree with the Examiner, nevertheless, claim 124 has been amended in order to highlight the distinction between claim 124 and Saito.

Specifically, claim 124 has been amended to recite the presence of an embedded original entitlement control message (ECM) comprised in the transmitted scrambled digital content. There is no indication in Saito that transmitted content comprises control data. The amendment is supported, inter-alia, on page 20 of the PCT application.

Claim 124 is therefore deemed allowable.

Claims 125 - 140 depend, either directly or indirectly from claim 124, and recite additional patentable subject matter.

Claims 125 - 140 are therefore deemed allowable with reference to the above discussion of the allowability of claim 124.

New claims 176 - 180 have been added in order to expand on the role of the ECM recited in amended claim 124. New claims 176 - 180 are supported, inter-alia, on pages 20 and 21 - 22 of the PCT application.

New claims 176 - 180 all depend, either directly or indirectly, from claim 124 and recite additional patentable material.

New claims 176 - 180 are therefore deemed allowable.

Claim 155 recites "a method for securing digital content for transmission to a plurality of end user devices, said plurality of end user devices being members of a group," ... "transmitting a PECM (personal ECM) to said first end user device, said PECM being specific to the group of end user devices". The Examiner asserts that the limitation in the preamble "said plurality of end user devices being members of a group," is described in the Abstract of Saito, and the transmitting step is described in Saito Col. 6 Lines 11 - 24.

While the abstract of Saito discusses how Saito can, "be applied to a data copyright management system for using not only single data but also a plurality of data supplied from a single database or a plurality of data supplied from a plurality of databases." Saito gives no indication of a group of end user devices.

Furthermore, while Saito Col. 6, Lines 11 - 24 discusses superdistribution of content from a first end user device to a second end user device, there is no indication in Saito that there is a single PECM being specific to a group of end users.

Claim 155 is therefore deemed allowable.

Claims 154 - 165 all depend, either directly or indirectly, from claim 155 and recite additional patentable material.

Claims 154 - 165 are therefore deemed allowable with reference to the above discussion of the allowability of claim 155.

In order to further highlight the distinction between the present invention as claimed in claim 155 and Saito, new claim 181 has been added. New claim 181 corresponds to claim 155, and further recites an embedded ECM, as in amended claims 84 and 124.

New claim 181 is therefore deemed allowable, with reference to the above discussion of the allowablity of claim 155 and the above discussions of the allowability of claims 84 and 124.

New claims 182 - 186 have been added in order to expand on the role of the ECM recited in new claim 182. New claims 182 - 186 are supported, inter-alia, on pages 20 and 21 - 22 of the PCT application.

New claims 182 - 186 all depend, either directly or indirectly, from claim 176 and recite additional patentable material.

New claims 182 - 186 are therefore deemed allowable.

Claims 153 and 154 have been cancelled without prejudice.

Claim 89 stands rejected under 35 USC 103(a) as being unpatentable over Saito.

Claim 89 depends indirectly from claim 84 and recites additional patentable matter.

Claim 89 is therefore deemed allowable with reference to the above discussion of the allowability of claim 84.

Claim 109 stands rejected under 35 USC 103(a) as being unpatentable over Saito in view of Tsuria.

Tsuria describes a system for producing an output scrambled digital data stream from an input scrambled digital data stream. The input scrambled digital data stream includes a plurality of control messages (ECMs), each ECM including coded information for generating a control word (CW) associated with the ECM and being encoded using an ECM key. The input scrambled digital data stream also includes a plurality of segments of scrambled digital data, each segment of scrambled digital data being associated with one of the plurality of ECMs and being scrambled using the CW associated with the ECM. A method for producing the output scrambled digital data stream includes replacing each of the plurality of ECMs with a corresponding transformed ECM (TECM), each corresponding TECM comprising coded information for generating the CW associated with the corresponding ECM and being encoded using a TECM key, thus producing the output scrambled digital data stream, wherein the ECM key is replaced with a new ECM key at an ECM key change time, and the TECM key is not replaced at the ECM key change time.

Claim 109 depends indirectly from claim 105 and recites additional patentable matter.

Claim 109 is therefore deemed allowable with reference to the above discussion of the allowability of claim 105.

In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,

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